

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION**

**CIVIL NO. 5:21-CV-00139**

UNITED STATES OF AMERICA, )

Plaintiff, )

v. )

**VERIFIED COMPLAINT FOR  
FORFEITURE *IN REM***

ONE TAURUS PT140 G2 HANDGUN )

seized from Crystal Sims on or about )

May 13, 2021, in Catawba County, North )

Carolina, )

ONE RUGER SR40C HANDGUN )

seized from Crystal Sims on or about )

May 13, 2021, in Catawba County, North )

Carolina, )

ONE BOND ARMS BOND GIRL MINI )

DERRINGER seized from Larry )

Valentine on or about May 13, 2021, in )

Catawba County, North Carolina, and )

ONE ROCK ISLAND ARMORY VRBP )

100 SHOTGUN seized from Larry )

Valentine on or about May 13, 2021, in )

Catawba County, North Carolina, )

Defendants. )

NOW COMES the United States of America, Plaintiff herein, by and through William T. Stetzer, Acting United States Attorney for the Western District of North Carolina, in a civil cause of forfeiture, and respectfully states the following:

## **NATURE OF ACTION**

1. This is a civil action *in rem* against one Taurus PT140 G2 handgun (.40 caliber, bearing serial number SIW80483) seized from Crystal Sims on or about May 13, 2021, in Catawba County, North Carolina; one Ruger SR40C handgun (.40 caliber, bearing serial number 343-94674) seized from Sims on or about May 13, 2021, in Catawba County, North Carolina; one Bond Arms Bond Girl Mini Derringer (.357 caliber, bearing serial number 101218) seized from Larry Valentine on or about May 13, 2021, in Catawba County, North Carolina; and one Rock Island Armory VRBP 100 shotgun (bearing serial number R051812) seized from Valentine on or about May 13, 2021, in Catawba County, North Carolina (collectively “the Defendant Firearms”).

## **JURISDICTION AND VENUE**

2. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1345 and 1355.

3. This Court has *in rem* jurisdiction over the Defendant Firearms, and venue is proper pursuant to 28 U.S.C. § 1355(b)(1) because acts or omissions giving rise to the forfeiture occurred in the Western District of North Carolina.

4. Venue is also proper pursuant to 28 U.S.C. § 1395 because the Defendant Firearms are located in the Western District of North Carolina.

5. The Defendant Firearms were seized within and are now within the Western District of North Carolina.

### **BASIS FOR FORFEITURE**

6. This civil action is brought against the Taurus PT140 G2 and the Ruger SR40C because they constitute firearms used or intended to be used to facilitate the transportation, sale, receipt, possession, or concealment of controlled substances and/or proceeds traceable to such controlled substances, and therefore are subject to forfeiture pursuant to 21 U.S.C. § 881(a)(11).

7. This civil action is brought against the Bond Arms Bond Girl Mini and the Rock Island Armory VRBP 100 because they were possessed by a person who has been convicted of a crime punishable by imprisonment for a term exceeding one year, a violation of 18 U.S.C. § 922(g)(1), and therefore are subject to forfeiture pursuant to 18 U.S.C. § 924(d)(1).

### **FACTS**

8. Valentine is a convicted felon. On December 24, 2008, he pleaded guilty in federal court to possession with intent to distribute crack cocaine. *See United States v. Valentine*, Case No. 08-cr-RLV (W.D.N.C.), Crim. Doc. 9.

9. On September 29, 2009, District Judge Richard Vorhees sentenced Valentine to 70 months' imprisonment, which was later reduced to 60 months. *Id.*, Crim. Docs. 19, 25.

10. After serving his federal sentence, Valentine has resumed selling illegal narcotics.

11. On January 28, 2021, Valentine sold approximately 3.3 grams of crack cocaine to a confidential informant in Hickory, NC. Valentine's girlfriend, Sims, was with him during this drug transaction.

12. Sims also sells illegal narcotics.

13. On March 12, 2021, Sims sold approximately 6.6 grams of crack cocaine to a confidential informant in Conover, NC.

14. On April 8, 2021, Sims sold approximately 12.8 grams of crack cocaine to a confidential informant in Hickory, NC.

15. On May 13, 2021, agents with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), along with local law enforcement, executed several federal search warrants in connection with the investigation of the drug trafficking activities of Valentine and Sims.

16. Specifically, on May 13, 2021, ATF agents and local law enforcement executed a federal search warrant at 5628 Teakwood Road, Hickory, NC, which is a

residence maintained by Valentine. There were several vehicles located at the residence, including a Chevrolet Malibu.

17. During a search of the Malibu, law enforcement located the Bond Arms Bond Girl Mini pistol described above in the glovebox. In the trunk of the Malibu, law enforcement found the Rock Island Armory VRBP 100 shotgun described above. In the trunk, law enforcement also located a small Tupperware container that contained a residue of what appeared to be crystal methamphetamine. Law enforcement conducted a field test of the residue and it tested positive for methamphetamine. Digital scales were also found inside of the Malibu, along with mail addressed to Valentine. Valentine is the registered owner of the Malibu.

18. ATF agents and local law enforcement also executed a search warrant at 4863 Water Wheel Drive, Conover, NC, a residence occupied by Valentine and Sims. When law enforcement arrived at the residence, Valentine was initially noncompliant and barricaded himself in the master bathroom. Law enforcement was eventually able to detain Valentine. Valentine was found in the master bedroom, where the toilet and bathtub were clogged and overflowing. Sims was also detained at the residence.

19. During a search of the 4863 Water Wheel Drive residence, law enforcement located the Taurus PT140 G2 handgun and the Ruger SR40C handgun

described above. Both of these firearms were found in the master bedroom, as well as approximately 41.91 grams of suspected crack cocaine and approximately 60.8 grams of suspected MDMA pills. Law enforcement also located drug paraphernalia at the residence, including digital scales and cutting agents.

20. After receiving *Miranda* warnings, Valentine agreed to speak with law enforcement. Valentine admitted that prior to being detained, he flushed some marijuana and a “hand full” of methamphetamine. Valentine also admitted that he sells methamphetamine, pills, and marijuana. Valentine stated that the illegal narcotics found at the residence were his. Valentine acknowledged the presence of the two firearms and was aware of their location, but claimed that Sims owned them.

21. Sims also received *Miranda* warnings, and agreed to speak with law enforcement. Sims stated, “I can’t deny what you found,” and added that she was aware of the illegal narcotics at the residence. Sims also admitted that she knew Valentine is a convicted felon and unable to possess firearms. Sims claimed to be the owner of the two firearms found in the master bedroom and denied that she owned any other firearms.

22. The Defendant Firearms were all manufactured outside of the state of North Carolina.

### **ADMINISTRATIVE FORFEITURE**

23. ATF initiated an administrative forfeiture action against the Defendant Firearms.

24. On June 26, 2021, Ms. Sims filed a claim as to the Defendant Firearms.

25. The United States now files this Complaint in response to that claim.

26. The following persons may have or claim an interest in the Defendant Firearms:

Crystal Sims  
4863 Water Wheel Drive  
Conover, NC 28613

Larry Valentine  
4863 Water Wheel Drive  
Conover, NC 28613

### **CONCLUSION**

27. By virtue of the foregoing, all right, title, and interest in the Defendant Firearms are vested in the United States at the time of the commission of the unlawful act giving rise to forfeiture, 21 U.S.C. § 881(h), and have become and are forfeitable to the United States of America.

### **PRAYER FOR RELIEF**

WHEREFORE, the United States of America respectfully prays the Court that:

- (1) a warrant for the arrest of the Defendant Firearms be issued;
- (2) due notice be given to all parties to appear and show cause why the forfeiture should not be decreed;
- (3) judgment be entered declaring the Defendant Firearms to be condemned and forfeited to the United States of America for disposition according to law; and
- (4) the United States be granted such other and further relief as this Court may deem just and proper, together with the costs and disbursements of this action, including but not limited to the expenses of maintenance and protection of the Defendant Firearms as required by 28 U.S.C. § 1921.

Respectfully submitted this 24th day of September, 2021.

WILLIAM T. STETZER  
ACTING UNITED STATES ATTORNEY

**s/ Jonathan D. Letzring**  
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## **VERIFICATION**

I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives and one of the agents assigned to this case. Pursuant to 28 U.S.C. § 1746, I hereby verify and declare under penalty of perjury that the foregoing is true and correct to the best of knowledge, information, and belief.

Date: \_\_\_\_\_

**ERIK WALKER**

Digitally signed by ERIK WALKER  
Date: 2021.09.23 20:42:56 -04'00'

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Erik D. Walker  
Special Agent